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ETHICS AND THE MILITARY PROFESSION WAR AND MORALITY, (U)  
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William C. Jeffries

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# ETHICS AND THE MILITARY PROFESSION

(Published Periodically by the Ethics and Professionalism Committee, USMA)

WAR AND MORALITY

April 1978

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## CHARTER

The United States Military Academy's Committee on Ethics and Professionalism welcomes you to the first publication of *Ethics and the Military Profession*. The Committee, charged by the Superintendent with "integrating ethics and professionalism courses with the cadets' other training and experience," will publish a periodic newsletter to stimulate dialogue and research among West Point staff and faculty in a variety of areas impinging on ethics and professionalism. Ethics is not an esoteric, intellectual pastime, but a branch of philosophy dealing with issues that are vital to both the professional and personal growth of army officers. One recommendation of the 1977 West Point Study Group was to "establish a comprehensive and progressive program in ethics and professionalism to prepare cadets for the ethical, personal, and other leadership problems that confront commissioned officers." If *Ethics and the Military Profession* provides a forum for continuing discussion of professional ethics, it will assist in discharging this important responsibility. At midpoint in Plato's *Republic*, Glaucon queries: "Who then are the true philosophers?" Socrates replies: "Those . . . are the lovers of the vision of truth." If Socrates is correct, to the extent that the military professional is concerned with knowing truth, he must also be a philosopher.

Recognizing the proliferation of scholarship and research in all areas of ethics and professionalism, the Committee on Ethics and Professionalism has decided to dedicate each periodical publication to a specific topic relating to the military profession. Each publication will normally include three sections: Upcoming Events, Feature Article, and Bibliography. Should you be aware of activities in the West Point vicinity that relate to the philosophical exploration of Ethics and Professionalism, have ideas for future feature articles, wish to contribute annotated bibliographies, or want to suggest additions or changes in the format of this publication, contact the editor, CPT William C. Jeffries, Department of English (4337/4338).

## FOCUS

Hermann Goering's sentiment, "Shoot first and inquire afterwards, and if you make mistakes, I will protect you," generally rings discordant to the American sensibility. Yet even mainstream America has currents as diverse as the New Testament injunction to turn the other cheek and General Patton's pronouncement that "War is the supreme test to man, in which he rises to heights never approached in any other activity." How does a

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nation reverencing individual freedoms and humane actions justify the mass destruction of humanity? "To war and arms I fly" has been the all too frequent clarion call of civilized man, but is not war a state of existence inalterably in conflict with fundamental notions of morality? Because of the interest that such questions naturally hold for the professional military officer, "War and Morality" is the topic for this initial publication of *Ethics and the Military Profession*. To assist you in your future study, the editor has provided a historical overview of *Bellum Justum* and an extensive, annotated bibliography on war and morality.

"Is There a Professional Ethic for the Military?" is the question that will be addressed in the first publication of AY 1978-79. Thereafter proposed topics include:

1. Can Ethics or Morality be Taught?
2. Terrorism.
3. Medical Ethics: Abortion, Euthanasia, Cloning.
4. Law and Ethics.
5. Norms vs. Values (Does "is" imply "ought"?).
6. Civil Disobedience.
7. Morality and Society.

If you are aware of specific books or articles relating to the subject of a "Professional Ethic," please forward data on them to CPT Jeffries, Department of English, or a member of the Ethics and Professionalism Committee.

#### FUTURE EVENTS

Interest in ethics and professionalism is burgeoning, and much of the activity involves interdisciplinary study. As a result, it is virtually impossible to stay current with meetings, lectures, workshops, programs, seminars, and other programs designed to foster interest and encourage participation in questions of moral and ethical inquiry. We seek your active assistance in notifying us of any information you have on related activities. With your help we will undertake to keep the West Point community informed, as far in advance as possible, of philosophically oriented programs in the West Point vicinity and throughout the scholarly community. Because the present academic year is coming to a close, there are few scheduled activities.

A workshop for evaluating the Military Academy's Concept for Furthering Cadet Moral Development will be held in the West Point Room of the Cadet Library, 29 April 1978 (0830-1200, 1400-1700).

Staff and Faculty meetings on Philosophy and Ethics will be conducted at West Point during August 1978 for USMA staff and faculty. Times and locations have not yet been determined.

#### FEATURE ARTICLE: JUST WAR THEORY

Regardless how one assesses the merit of Michael Walzer's book, *Just and Unjust Wars*, its recent publication underscores the fact that concern over the Christian formulation of *bellum justum* is not dormant. Twentieth-century scholarship has illuminated "just war" theory after an eclipse of perhaps two centuries of interest. A necessary first step toward serious study of war and morality is understanding the various versions of the "just war" theory, which began in Christian moral theology.

What makes such understanding difficult is that each age has redefined "just war" to suit its need. Whatever the definition, however, it is, as Frederick H. Russell points out, "really an ethical and religious doctrine, surfaced with an often thick veneer of legality" (*The Just War in the Middle Ages*, p. 306). Certainly, throughout its long history, the theory has exerted a powerful influence on international law, especially the distinction made between combatants and noncombatants.

Until the beginning of the twentieth century, Catholic theologians dominated the writings on *bellum justum*. Perhaps the clearest statement of twentieth-century "just war" theory comes from Joseph C. McKenna, S.J. and John Eppstein (see bibliography). From the writings of these two contemporary Catholic scholars, one can deduce the following requisites for a "just war."

1. The war must be declared by a legitimate authority.
2. The state must have suffered a substantial injury.
3. The quality and quantity of damage likely to be incurred in war may not be disproportionate to the injury suffered.
4. There must be a reasonable hope of success.
5. There must be a "right intention" in the minds of those prosecuting the war.
6. All possible means of peaceful settlement must have failed.
7. Only moral methods may be employed to prosecute the war.

A person contemplating a different definition of just war probably has in mind the viewpoint of St. Augustine, St. Thomas Aquinas, or Hugo Grotius. The essential concept of just war derives from their Christian thought, though the serious student needs to begin with Plato's *Republic* (4th century B.C.) and Aristotle's *Politics* (336-332 B.C.). These two works propose a

moral justification for the state, a justification implicit in "just war" theory. The other major pre-Christian contribution to the theory was made by the stoic writer, Cicero, in his *De Officiis*, (44 B.C.). This work, *On Duties*, adds a system of practical ethics, based on stoic principles, to the concept of the state.

Important though these writings by Plato, Aristotle, and Cicero are, the Christian soldier seeking relief from responsibility of moral guilt for killing his own kind in war will find it first in the fifth-century arguments of St. Augustine. St. Augustine, while providing the fundamental theology of Christendom, demonstrated his repulsion, but not surprise, at the moral degeneracy of Rome. Therefore, in his *City of God* (413-426) he divided all history into two cities differentiated by the direction of love: the City of Man and the City of God. With this concept Augustine gave morality a Christian basis. The City of God cast perspective on how man lived in the City of Man. Thus the totalitarian nature of the state was diminished by the consideration of its temporal nature *vis-à-vis* man's eternal soul. The teleological nature of the dictates of the City of Man (based on love of self) had to be weighed against the absolute prohibitions of the City of God (based on love for God). Whereas St. Augustine maintained proscriptions against killing--even in self defense--for the individual, he confirmed the morality of killing in a "just war." His requirements for a "just war"--the necessity to regain that which is taken unjustly, the avenging of a real injury, and a proper declaration by lawful authority--are based on the consideration that God created the City of Man and thus underwrites the temporal sanctity of the state. The key consideration for Augustine's "just war" is that justice is determined by the ruler, not the individual.

Drawing on the base laid by Augustine, as well as knowledge of Roman law and the scholastics, St. Thomas Aquinas (*Summa Theologiae*, 1265-1273) focused and redefined the theory. In his systematic reappraisal of "just war" Aquinas modified Augustine's definition. War was "just" for Aquinas when declared by a properly constituted authority, provoked by a just cause, and governed by right intention. His primary addition to the theory, however, was to formulate the principle of "double effect" (see Alonso, Anscombe, Hartigan, and Nagel in bibliography), vital in future determinations of morally permissible actions in war.

Following changes in the theory inspired by the "Peace of God" (eleventh-century campaign to supplement the rules of just war by a series of canonical decrees increasing the categories of those exempt from aggression), the "Truce of God" (eleventh-century Church decree limiting times of the year available for war), and the codes of medieval chivalry, John Calvin's *Institutes of the Christian Religion* (1536), which treats the magistrate as having authority from God and being guided by the law of nature, provided the last addition to the theory prior to Hugo Grotius' *De Jure Belli ac Pacis* (1620-1625), which laid the foundation of international law and "just war" theory. Calvin declared that modern moral law promulgates the rule of God's righteousness, despite man's blurred vision as a result of the Fall.

Man is a member of two realms: the Church insures the conduct of the inner man, but the state insures justice in the world. It follows that the state has a moral obligation to sanction "just war" if necessary to establish justice.

Hugo Grotius' attempts to replace man's arbitrary law by decree with principles of "natural law" were a response to his belief that men "rush to war without restraint and once there have no respect for any law, human or divine." He sought, through study of Greek, Roman, and biblical literature, for a body of natural laws pertaining to war and its conduct. By his emphasis on reason, he separated the notion of "just war" from theological concerns. Grotius' empiricism codified three types of just war:

1. To defend against actual or immediately threatening injury.
2. To recover what is legally due.
3. To inflict punishment for wrong done.

It is upon this base of Aristotelian thinking, natural law, and social contract that many tenets of international law rest.

*Bellum justum* is implanted firmly in the bedrock of history and is still discussed by twentieth-century theorists concerned with international legal sanctions. It presupposes the existence of laws governing relations between states and assumes that such laws have their origin in natural laws and treaties (*Encyclopedia of Philosophy*). The section on "just war" in the bibliography provides the basis for a much fuller discussion than can be given here. Of greatest value will be Robert Tucker, *The Just War*; F. H. Russell, *Just War in the Middle Ages*; Michael Walzer, *Just and Unjust Wars*; Paul Ramsey, *War and the Christian Conscience*; Gordon Zahn, *War, Conscience, and Dissent*; and Joseph C. McKenna, S.J., "Ethics and War: A Catholic View." This brief discussion also relies greatly on R. S. Hartigan and Lynn H. Miller (see bibliography).

#### BIBLIOGRAPHY

The scholarship on war and morality is almost as extensive as the subject is complex. At least ten bibliographies have been prepared which range in quality from excellent to poor; however, only three carry any annotations, and none is current. This bibliography attempts to bring the scholarship up to date and includes annotations for 172 of the 191 entries in the hope of nurturing interest in the subject. Works containing bibliographies have been so annotated. Not appearing in the bibliography are classic works on war, unless they specifically pertain to its moral nature. Thus, works by major theorists such as Jomini and Schlieffen and more modern studies such as *War in the Modern World* by Theodore Ropp have been excluded, while *On War* by Clausewitz is included. Also, with few exceptions, those works already cited in one of the major bibliographies do not appear here. The bibliography, supplemental, not exhaustive, attempts to avoid straying from the issue, with one noticeable exception. Since man's

conception of morality is so dependent upon his view of human nature, the bibliography includes basic works dealing with theories of aggression. For a more complete study of that issue consult Erich Fromm's *The Anatomy of Human Destructiveness* which has an excellent (484 entries) bibliography on aggression and theories of human behavior. Many of the works listed below span more than one of the topical areas and appear in the area most suitable to the overall focus.

### 1. *Aggression Theory and Human Nature.*

Ardrey, Robert. *African Genesis*. New York: Atheneum, 1961. Arguing that man has evolved from killer-apes, Ardrey concludes that human aggressiveness and the penchant for destruction are rooted in man's genes.

\_\_\_\_\_. *The Social Contract*. New York: Atheneum, 1970. The third of Ardrey's "investigations" into the continuities between animal behavior and human nature and between human nature and the course of evolution, in this instance exploring the evolutionary sources of order and disorder.

\_\_\_\_\_. *The Hunting Hypothesis*. New York: Atheneum, 1976. Ardrey attempts to answer the question "Why is man man?" He maintains that we have small hope of comprehending ourselves and our world unless we understand that man still, in his inmost being, remains a hunter.

\_\_\_\_\_. *The Territorial Imperative*. New York: Atheneum, 1966. Ardrey refines his thesis that human behavior is genetically determined, arguing that wars are a product of man's innate tendency to control and defend territory.

Avineri, S. "The Problem of War in Hegel's Thought." *Journal of the History of Ideas*, 22 (1960), 463.

Bandura, Albert. *Aggression: A Social Learning Analysis*. Englewood Cliffs: Prentice-Hall, 1973. Bandura provides an analysis and a theory based on empirical research which suggest that aggression may be, to a large extent, learned. This study is a useful counter to others such as Freud, Ardrey, and Lorenz.

Bohannon, Paul, ed. *Law and Warfare: Studies in the Anthropology of Conflict*. Garden City: Natural History Press, 1967. A collection of readings concerned with examining, from an anthropological point of view (i.e., comparatively), the various ways in which conflict is evaluated and handled.

Bramson, Leon, and George W. Goethals, ed. *War: Studies from Psychology, Sociology, Anthropology*. New York: Basic Books, 1964. Although widely panned by reviewers, this book's 21 articles, by several hands, focus primarily on the causes of war as perceived from three disciplines. Half of the articles concern aggression theory. Beware of outdated scholarship.

Brand, Myles, ed. *The Nature of Human Action*. New York: Scott-Foresman, 1970. See particularly "Responsibility and Action," pp. 100-116.

Darwin, Charles. *The Origin of Species and the Descent of Man*. New York: Modern Library, 1936. A must for any serious student of aggression theory. The basis of the theory of evolution.

Eibl-Eibesfeldt, I. *On Love and Hate: The Natural History of Behavior Patterns*. New York: Holt, Rinehart & Winston, 1972. Lorenz's disciple, Eibl-Eibesfeldt shares his desire to incorporate human behavior under the blanket of animal behavior.

Freud, Sigmund. *Civilization and Its Discontents*. Vol. 21, *Standard Edition of the Complete Works of Sigmund Freud*. 23 vols., ed. J. Strachey. London: Hogarth Press, 1886-1939. 1930 work stressing man's instinctive nature as "one of aggression and egoistic self-satisfaction." Freud develops analogies between "the process of civilization" and the path of individual development. Few, but specific, comments on war.

\_\_\_\_\_. *The Interpretation of Dreams*. Vol. 3, *Standard Edition of the Complete Works of Sigmund Freud*. 23 vols., ed. J. Strachey. London: Hogarth Press, 1886-1939. Seminal work, empirically demonstrating the influence of unconscious processes. For example: even a peaceful man has strong impulses to kill. Forces us to recognize man's unconscious repressive forces used to subdue these violent stirrings.

\_\_\_\_\_. *Why War?* Vol. 22, *Standard Edition of the Complete Works of Sigmund Freud*. 23 vols., ed. J. Strachey. London: Hogarth Press, 1886-1939. 1933 letter to Albert Einstein in which Freud discusses the causes of war. Does not treat war as caused by innate human destructiveness but spawned from conflicts between groups.

Fromm, Erich. *The Anatomy of Human Destructiveness*. Greenwich: Fawcett Publications, 1975. A systematic approach to the problem of human aggression. The book attempts to discuss the problem of human destructiveness by summarizing approaches from the disciplines of psychoanalysis, neurophysiology, animal psychology, paleontology, and anthropology. See particularly Part III, "Varieties of Aggression and Destructiveness and their Respective Conditions."

Ginsberg, Robert, ed. *The Critique of War*. Chicago: Regnery, 1969. Idealistic in tenor, the eighteen essays collected in this edition inquire into the conditions of the human consciousness from three viewpoints: Is war a necessary condition of human existence? Is man innately aggressive? Is there an alternative--moral or otherwise--to war? Includes a 146-entry "Bibliography of the Philosophy of War in the Atomic Age" (not annotated). Deals with five main topic areas: The Philosopher and War, The Causes of War, The War System, The Unjustifiability of War, and The Alternative to War.

Hegel, Georg Wilhelm Friedrich. *Hegel's Philosophy of Right*. Trans. T. M. Knox. Oxford: UNK, 1942. See particularly pp. 209-233. Since history itself is a struggle between thesis and antithesis, it follows that man must accept war or stagnate. No criteria exist by which to judge nations morally.



- James, William. "The Moral Equivalent of War." In *War and Morality*, ed. Richard A. Wasserstrom. Belmont: Wadsworth, 1970. 4-14. Committed to the view that "Pugnacity is inbred" in human nature, James tries to capture the virtue of both the militarist and the pacifist points of view. We must rechannel the martial spirit into action which is morally acceptable.
- Lorenz, Konrad. *On Aggression*. New York: Harcourt, Brace and World, 1963. A prominent scholar of animal behavior, Lorenz preaches neoinstinctivism in subsuming human behavior under animal behavior. Aggression is innate in man, and we can discover this fact through a study of the evolutionary process. A very readable book.
- Meinecke, Friedrich. *Machiavellism: The Doctrine of Raison d'Etat and Its Place in Modern History*. Trans. Douglas Scott. London: Routledge and Paul, 1957. "A translation of *Die Idee der Staatsräson in der neueren Geschichte* (1924), a treatise on the perennial conflict between the power impulse in human nature and the search for a higher ethical rule in political relations."
- Morris, Desmond. *The Naked Ape*. New York: McGraw-Hill, 1967. A student of animal behavior, Morris sees man's aggressive behavior as "phylogenetically programmed." Aggression is an innate instinct which seeks discharge and waits for the proper occasion to be expressed.
- Nietzsche, Friedrich. *Thus Spake Zarathustra*. New York: Modern Library, 1966. Written in 1892, the book glorifies the active, dangerous life: "a good war hallows every cause." War is a naturally occurring event for the *Übermensch*.
- Perry, Charner. "Violence--Visible and Invisible." *Ethics*, 81, No. 1 (October 1970), 1-23. Perry examines the various ways in which violence operates within social contexts. He warns that we must watch how we talk, for the degradation of language erodes respect, and the erosion of respect weakens the restraints against violence.
- Russell, Bertrand. *Why Men Fight*. New York: Century, 1917. Explores economic, social, and political reasons why men fight. Ultimately Russell argues that war grows out of human nature--particularly man's appetitive nature.
- Smith, C. I. "Hegel on War." *Journal of the History of Ideas*. 26 (1965), 282. Critique of Hegel's belief that war is necessary for man's development.
- Strachey, Alex. *The Unconscious Motives of War: A Psychoanalytic Contribution*. New York: International U. Press, 1957. Recommends psychoanalysis as a means of changing a person's desire for war. Sees Army as a "regressive" force.
- Wertham, Fredric. *A Sign for Cain: An Exploration of Human Violence*. New York: Paperback Library, 1969. Wertham argues that human violence is not rooted in instinct but in fact represents a solvable scientific problem; he argues that it can be greatly reduced and, in the very long range view, abolished.

## 2. *Christian Conscience and War.*

Ammermann, Chaplain (COL) E. H. "Two Sermons on War: The Christian and War." *Command*, 17, No. 1 (Spring 1975), 22, 24. Pithy but superficial justification for a Christian's participation in war.

Anscombe, Elizabeth. "War and Murder." In *War and Morality*, ed. Richard A. Wasserstrom. Belmont: Wadsworth, 1970. 42-53. Argues that the exercise of coercive power is not an intrinsic evil, and it may be an instrumental good.

Bainton, Roland H. *Christian Attitudes Toward War and Peace*. Nashville: Abington, 1960. See particularly Chaps. 5-7 for a general survey on Christian views on killing in war. Traces "Just War" theory from antiquity.

Bonhoeffer, Dietrich. *Ethics*. New York: Macmillan, 1965. Argues that Western cultures' dismissal of God as ultimate arbiter of "Just War" makes possible any means--even immoral ones--to secure victory.

Buxton, Cleo W. "Morality in Combat." *Command*, 17, No. 1 (Spring 1975), 37-40. Argues for the moral necessity of the Christian soldier's loving "his battlefield enemies, in spite of the grave demands duty may impose upon him."

Calvin, John. *Institutes of the Christian Religion*. Philadelphia: Presbyterian Board of Christian Education, 1936. Although man's fall from grace through sin blurs his proper vision of how he ought to act (according to God's will), his established moral laws nonetheless promulgate the rule of God's righteousness.

Eppstein, John. *The Catholic Tradition of the Law of Nations*. Washington: Oates and Washbourne, 1935. An attempt at a complete historical overview of Catholic Christian morality as it influences international law and the ethics of armed conflict. Part I, "The Origins of Christian Doctrine Upon Peace and War," and Part II, "The Ethics of War," are the most valuable parts. Handy summaries are offered at the end of important chapters.

Geisler, Norman L. "Love and War." *Command*, 17, No. 1 (Spring 1975), 8-11, 36. Evangelical Protestant views attempting to answer: "Does the ethic of Jesus demand, permit or prohibit participation in warfare?"

Harrison, William K. *May a Christian Serve in the Military?* Denver: Officers' Christian Fellowship, n.d. Evangelical Christian stance arguing that the Christian life and military service are not incompatible.

Harrison, William K. and W. Robert Smith. "Christian Perspectives on War." *Command*, 17, No. 1 (Spring 1975), 32-36. Employs question and answer format to elicit remarks from Harrison and Smith on a wide range of issues dealing with the obligation for Christian participation in military service.

Lent, Chaplain (LTC) Peter S. "The Christian Soldier." *Command*, 17, No. 1 (Spring 1975), 23-25. Argues against biblical injunctions for pacifism.

Marrin, Albert. *War and the Christian Conscience*. Chicago: Regnery, 1971. A collection of comments from great Protestant and Catholic thinkers from Tertullian to Martin Luther King, Jr. on pacifism and activism in war. A comprehensive spectrum of thought. A topical bibliography, pp. 335-342, includes 84 entries in the following areas: "Periodical Literature," "General Books on War," "The State and Religion," "Pacifism and Peace Movements," "Sectarian Christianity and the Social Gospel Movement," "Conscientious Objection and the Draft," "Warfare Since 1945," "Vietnam."

McKenna, Joseph C. "Ethics and War: A Catholic View." *American Political Science Review*, 54 (September 1960), 647-658. Defines the Catholic or Scholastic moral theory in contrast with the Protestant or humanistic conception. The Catholic methodology is the intellectual "application of logic to premises drawn from two sources: Revelation and Reason" (implicit in their view is that "first premises of ethical reasoning can be validated").

Ramsey, Paul. *War and the Christian Conscience*. Durham: Duke U. Press, 1961. Attempts to demonstrate that just war theory is applicable to the nuclear age. Argues for the morality of limited war "fought within the bounds of the traditional just war doctrine." Highly critical of the decision by the World Council of Churches to abandon the "just war" theory when considering thermonuclear warfare. Distinguishes between combatants and non-combatants by discussing "counter-force" and "counter-people" war.

Tokatoglou, C. N. "A Word Study: 'Thou shalt not murder.'" *Command*, 17, No. 1 (Spring 1975), 14-17, 31. While accepting biblical prescriptions as absolute, Tokatoglou applies linguistic analysis to Hebrew texts of the Old Testament to develop the distinction between "murder" and "kill," with an end to "comforting" Christians in the Armed Forces.

\_\_\_\_\_. "War, War, War." *Command*, 17, No. 1 (Spring 1975), 1-3, 17. Implicit condonation of war by evangelical analogy of individual Christian as an allegorical battlefield of the forces of good and evil.

### 3. *Collective vs. Individual Responsibility.*

Baier, Kurt. "Guilt and Responsibility." In *Individual and Collective Responsibility*, ed. Peter M. French. Cambridge: Schenkman, 1972. 37-61. Distinguishes between Guilt and Responsibility, Causal and Agent Responsibility, Agent and Task Responsibility, Individual and Group Responsibility, and External and Internal Responsibility. My Lai is the case in point.

Bates, Stanley. "My Lai and Vietnam: The Issues of Responsibility." In *Individual and Collective Responsibility*, ed. Peter M. French. Cambridge: Schenkman, 1972. 147-165. Places blame for My Lai on improper training by the military. We cannot expect those who committed atrocities to have behaved differently from the way they did.

\_\_\_\_\_. "The Responsibility of Random Collections." *Ethics*, 81, No. 4 (July 1971), 343-349. Bates deals with the issue of collective responsibility by criticizing Virginia Held's definition of "random collection" offered in "Can a Random Collection of Individuals Be Morally Responsible?" *Journal of Philosophy*, 67, No. 14 (July 23, 1970), 471-481.

Bedau, Hugo Adam. "Genocide in Vietnam?" In *Philosophy, Morality, and International Affairs*, ed. Virginia Held, Sidney Morgenbesser, and Thomas Nagel. New York: Oxford University Press, 1974. 5-46. Attempts to sort out the thorny issue of frequent claims of American acts of genocide in Vietnam by exploring the apparently differing definitions of genocide. The author uses, as a springboard, the findings of Bertrand Russell's 1965 "International War Crimes Tribunal," by which Bedau is seduced but not convinced.

Cooper, David. "Responsibility and the 'System.'" In *Individual and Collective Responsibility*, ed. Peter M. French. Cambridge: Schenkman, 1972. 83-100. Aspects of the "system" which are discussed as possible causes for atrocities in Vietnam include: Racism in the military, training in the military, and the conduct of the war by the military system.

Downie, R. S. "Collective Responsibility." *Philosophy*, 44, No. 167 (January 1969), 66.

\_\_\_\_\_. *Government and Morality*. London: Macmillan, 1964.

\_\_\_\_\_. "Responsibility and Social Roles." In *Individual and Collective Responsibility*, ed. Peter M. French. Cambridge: Schenkman, 1972. 65-80. Discusses "three dimensions of moral responsibility in collective action--the morality of the role, the role enactment, and the role acceptance." Sound views on each.

\_\_\_\_\_. *Roles and Values*. London: Methuen, 1971.

\_\_\_\_\_. "Social Roles and Moral Responsibility." *Philosophy* (January 1964).

Fain, Haskell. "Some Moral Infirmities of Justice." In *Individual and Collective Responsibility*, ed. Peter M. French. Cambridge: Schenkman, 1972. 19-34. With My Lai as case study, Fain differentiates collective responsibility as a moral concept from a legal one.

Falk, R., G. Kolko, and R. J. Lifton, ed. *Crimes of War*. New York: Random House, 1971. A "legal, political-documentary, and psychological inquiry into the responsibility of leaders, citizens, and scholars for criminal acts in war." Includes essays by such lights as Arthur Miller, Jean-Paul Sartre, Noam Chomsky, Karl Jaspers, and Albert Camus. Reaffirms one's belief in man's inhumanity to man.

Feinberg, Joel. "Collective Responsibility." *Journal of Philosophy*, 65, No. 7 (1968), 674-688. Feinberg tries to show that all primitive legal systems and our own common law abound with examples of liability without contributory fault and that notions such as vicarious liability and collective liability are not vacuous. Also in *Doing and Deserving*, ed. Joel Feinberg.

French, Peter. "Morally Blaming Whole Populations." In *Philosophy, Morality, and International Affairs*, ed. Virginia Held, Sidney Morgenbesser, and Thomas Nagel. New York: Oxford University Press, 1974. 266-285. Ponders wartime atrocities from the perspective of their moral implications, rather than legal sanctions. In demonstrating that collective moral ascription of blame is justifiable, the author rehearses the moral foundations supporting ascriptions of collective responsibility.

\_\_\_\_\_. "The Responsibility of Monsters and Their Makers." In *Individual and Collective Responsibility*, ed. Peter M. French. Cambridge: Schenkman, 1972. 3-15. In Mary Shelley's novel, Dr. Frankenstein says: "I am the assassin of those most innocent victims; they died by my machinations. A thousand times would I have shed my own blood, drop by drop, to have saved their lives; but I could not." French evaluates the relationship of society's responsibility for its monster (Lt. Calley) in light of Dr. Frankenstein's moral concern. Brief bibliography (53 entries--not annotated).

Hart, H. L. A. *Punishment and Responsibility*. New York: Oxford University Press, 1968. See particularly Chap. IX on "answerability" and individual responsibility.

Held, Virginia. "Moral Responsibility and Collective Action." In *Individual and Collective Responsibility*, ed. Peter M. French. Cambridge: Schenkman, 1972. 103-118. Probes the question: "Can an unorganized group of persons who happen to find themselves together by the accidents of history, 'a random collection,' we might say, be responsible for not taking a collective action?"

Kelsen, H. "Collective and Individual Responsibility in International Law with Particular Regard to the Punishment of War Criminals." *California Law Review*, 31 (1953), 531.

Lewis, H. D. "The Non-Moral Notion of Collective Responsibility." In *Individual and Collective Responsibility*, ed. Peter M. French. Cambridge: Schenkman, 1972. 121-144. Argues against collective responsibility since "Where all are responsible no one is responsible, thus we tend to lapse into a state of moral indifference or acquiescence which can be one of the greatest ills to afflict a society."

Strang, C. "What If Everyone Did That?" *The Durham University Journal*, 53, No. 1 (December 1960), 5ff.

Wasserstrom, Richard. "The Relevance of Nuremberg." In *War and Moral Responsibility*, ed. Marshall Cohen, Thomas Nagel, and Thomas Scanlon. Princeton: Princeton U. Press, 1974. 134-158. Argues that the fact "something is illegal, is only one relevant consideration in the determination of its immorality. . . . In the last analysis, the responsibilities that matter are an individual's moral responsibilities."

White, A. "On Being Obligated to Act." Royal Institute of Philosophy lectures, *The Human Agent*. St. Martin's Press, 1 (1966-67), 64.

#### 4. *Combatants and Noncombatants.*

Alexander, Lawrence A. "Self-Defense and the Killing of Noncombatants: A Reply to Fullinwider." *Philosophy and Public Affairs*, 5, No. 4 (Summer 1976), 408-415. Alexander responds to Fullinwider's article by arguing that the permissibility of killing innocents in self-defense does not, as Fullinwider maintains, justify the moral distinction between combatants and noncombatants.

Bennett, Jonathan. "Whatever the Consequences." In *Ethics*, ed. Judith Jarvis Thomson and Gerald Dworkin. New York: UNK, 1968. Argues that it makes no difference whether "innocents" are killed by direct or indirect means. Anti-double effect.

Cousins, N. "The Non-Obliterators." *Saturday Review*, April 8, 1944, pp. 14, 26. Editorial arguing against those (particularly Vera Brittain) who declare "obliteration bombing" immoral. The following excerpt sets the tone: "Make no mistake about it. The bombing of Berlin and Hamberg and Schweinfurt and Leipzig and Bremen was not ordered by the American people or the British people or our military leaders. It was ordered by the Nazis themselves." Retaliation, for Cousins, is moral.

DeMaris, Ovid. *Brothers in Blood: The International Terrorist Network*. New York: Charles Scribner's Sons, 1977. Deals in journalistic fashion with five separate areas of terrorism: Carlos, Ha Mossad, Baader-Meinhof, Northern Ireland, and nuclear terrorism. "In today's world no one is innocent, no one is a neutral."

Ford, J. C. "The Morality of Obliteration Bombing." *Theological Studies*, 5 (September 1944), 261-309. Argues the immorality of obliteration bombing in an otherwise just war. Finds the principle of "double effect" too prone to sophistical abuse to be a convincing argument. Good concluding remarks on national considerations of "double effect." Also collected in Richard Wasserstrom's *War and Morality*, pp. 15-41.

Fullinwider, Robert K. "War and Innocence." *Philosophy and Public Affairs*, 5, No. 1 (Fall 1975), 90-97. Fullinwider sketches an argument which supports the claim that in warfare there is a morally relevant distinction between combatants and non-combatants which prohibits the intentional killing of the latter at the same time as it justifies the intentional killing of the former.

Hartigan, R. S. "Saint Augustine on War and Killing: The Problem of the Innocent." *Journal of the History of Ideas*, 27 (1966), 195. Early formulations of "double effect."

\_\_\_\_\_. "Noncombatant Immunity: Reflections on Its Origins and Present Status." *Review of Politics*, 29 (1967), 204-220. "Present Status" receives short shrift in what becomes a quick overview of the development of Just War theory (beginning with Augustine). No viable suggestions for defining combatants or noncombatants.

Laqueur, Walter. *Terrorism*. Boston: Little, Brown, 1977. Academic study of purposes and strategies of terrorist groups. Hypothesizes that terrorism can only be daunted by a restriction of human freedoms in general--a bleak hope.

Mavrodes, George I. "Conventions and the Morality of War." *Philosophy and Public Affairs*, 4, No. 2 (Winter 1975), 117-131. Mavrodes develops criteria for distinguishing wars from certain other international combat as he believes that this distinction is morally significant *vis-à-vis* the problem concerned with the intentional killing of noncombatants.

Wasserstrom, Richard. "On the Morality of War." *Stanford Law Review*, 21 (1969), 1627-1656. The author is committed to the necessity of assessing war in moral terms. The burden of proof rests with the aggressor, particularly in regard to the killing of innocents. Also in Wasserstrom's *War and Morality*, 78-101.

##### 5. *Just War and the Rules of Warfare.*

Alighieri, Dante. *De Monarchia*. New York: Gordon Press, n.d. Man should seek peace as an earthly goal, but he may use force to secure international world order.

Alonso, Vicente. *El principio del doble efecto en los commentadores de Santo Tomas*. Rome: Gregorian University Dissertation, 1937. See for St. Thomas' views on "double effect."

Aquinas, St. Thomas. *Summa Theologica*. Ed. Thomas C. Moore. Hightstown: McGraw, 1976. Question 40 discusses the state's moral responsibility to defend itself.

Aristotle. *Politics*. New York: Random House, 1950. Needs to be read prior to Augustine's *City of God* to lay the foundation for "Just War" doctrine. Important in that it provides moral justification for the existence and power of the state.

Augustine, Saint. *The City of God*. New York: Random House, 1950. The place to begin any study of "Just War" doctrine. Also ponders the inevitability of war. Sets forth the notion of two cities: City of God and City of Man. The City of God casts perspective on the City of Man.

Brandt, R. B. "The Definition of an 'Ideal Observer' Theory in Ethics." *Philosophy and Phenomenological Research*, 15, No. 3 (1955), 407-413.

\_\_\_\_\_. "Utilitarianism and the Rules of War." In *War and Moral Responsibility*, ed. Marshall Cohen, Thomas Nagel, and Thomas Scanlon. Princeton: Princeton U. Press, 1974. 25-45. Borrowing terminology ("rule-utilitarianism of the 'contractual' variety") from John Rawls' *A Theory of Justice*, Brandt tries to answer the question: "What, from a moral point of view, ought to be the rules of war?" Cogently written.

Cicero, Marcus Tullius. *De Officiis: Or His Treatise Concerning the Moral Duties of Mankind*. London: Lackington, 1820. The title, *On Duties*, reveals its substance. A work of practical ethics, based on stoic principles, outlining human duties to the state.

Cohen, Marshall. "Morality and the Laws of War." In *Philosophy, Morality, and International Affairs*, ed. Virginia Held, Sidney Morgenbesser, and Thomas Nagel. New York: Oxford University Press, 1974. 71-88. The author argues that Telford Taylor's claims of "ambiguities" in the laws of war (*Nuremberg and Vietnam: An American Tragedy*) and Richard Wasserstrom's claims of the "moral unattractiveness of the laws of war" ("The Laws of War") are illusory.

Erasmus, Desiderius. *Anti-polemus, or the Plea of Reason, Religion and Humanity Against War*. New York: Gordon Press, n.d. Written 1510, argues that man's nature is contrary to the martial spirit. Man is created for love. Thus man has a moral duty to put an end to war.

Falk, Richard A. *Legal Order in a Violent World*. Princeton: Princeton U. Press, 1969. Explores the problems inherent in attempting to regulate human conflict.

Grotius, Hugo. *De Jure Belli ac Pacis Libri Tres*. Paris, 1625. Translated by F. W. Kelsey and others from the 1946 edition. A seminal work on international law. The book patterns a quasi-legal system of international relations by "blending certain general principles of political and moral philosophy with state practice." War should be fought only to enforce rights and then must be "waged within the bounds of law and good faith."

Hare, R. M. "Rules of War and Moral Reasoning." In *War and Moral Responsibility*, ed. Marshall Cohen, Thomas Nagel, and Thomas Scanlon. Princeton: Princeton U. Press, 1974. 46-61. Offers a "sound theoretical foundation" for "moral thinking about war." More methodology than value judgment.

Hobbes, Thomas. *Leviathan*. New York: Routledge and Sons, 1894. See particularly Chap. 13. Written in 1651, argues that "war is not the art of fighting but the disposition to fight which exists where there is no common superior to ensure that violence shall not be permitted"--hence the need for the creation of a "common superior."

Joachim von Elbe. "The Evolution of the Concept of Just War in International Law." *American Journal of International Law*, 33 (October 1939), 665-688. A complete account of the development of just war doctrine.

Kotzsch, Lothar. *The Concept of War in Contemporary History and International Law*. Geneva: Librairie E. Droz, 1956.

Margolis, Joseph. "War and Ideology." In *Philosophy, Morality, and International Affairs*, ed. Virginia Held, Sidney Morgenbesser, and Thomas Nagel. New York: Oxford University Press, 1974. 246-265. A most provocative article suggesting the need to redefine just war, innocents, and personal culpability in light of the exigencies of modern war. Why should the old constraints on morally permissible actions be binding on modern warfare?



Miller, Lynn H. "Contemporary Significance of the Doctrine of Just War." *World Politics*, 16 (1964), 254-286. A brief historical review of the doctrine of *bellum justum*, followed by a discussion of the relevance of the "just war" doctrine to the twentieth century, in light of two conditions Miller finds to be unique in the present age: (1) a new international system replacing European balance-of-power and (2) modern weapons of unprecedented destructive capability.

More, Sir Thomas. *Utopia*, ed. and trans. Robert Adams. New York: Norton, 1975. Written 1518, *Utopia* proffers a pragmatic approach to declaring and waging war. War is to be fought only when "one's lands are invaded or one's allies are oppressed." When fighting one should do so "as economically and safely as possible."

O'Connor, D. Thomas. "A Reappraisal of the Just-War Tradition." *Ethics*, 84, No. 2 (January 1974), 167-173. O'Connor argues that the rules of just warfare provide a rational framework for moral reflections on war.

Plato. *The Republic*. Trans. B. Jowett. New York: Vintage, n.d. See particularly Book III, the need to "humanize" soldiers by education, and Book V, women in the military and the proper treatment of enemies (particularly in regard to despoiling the dead).

Russell, Frederick H. *The Just War in the Middle Ages*. Cambridge: Cambridge U. Press, 1975. A slightly misleading title, this book provides an in-depth historical analysis of the "Just War" theory ("just cause, legitimate authority, and a righteous intention"), by tracing the contributions by Augustine, Medieval Romanists, Gratian, Decretists, Decretalists, and Thomas Aquinas. Bibliography, pp. 311-319.

Ryan, John K. *Modern War and Basic Ethics*. Milwaukee: Bruce, 1940. Studies the relationship between "Just War" theory and methods of warfare in 1930's.

Vann, Gerald. *Morality and War*. London: UNK, 1939. Applies "just war" theory directly to the problem of appeasement (and specifically to the Czech crisis of 1938)."

Walzer, Michael. "Exodus 32 and the Theory of Holy War: The History of a Citation." *Harvard Theological Review*, 61 (1968), 1.

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\_\_\_\_\_. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. New York: Basic Books, 1978. Walzer treats "fighting well" (that is, morally) as the soldier's chief concern. The author sets high standards of morality for those involved in wars--wars which are "just" only if they are waged to protect territorial integrity or defend political independence. A unique, historical, empirical discussion of an important issue.

Wasserstrom, Richard. "The Laws of War." *The Monist*, 56 (January 1972).

Wells, Donald A. "How Much Can 'The Just War' Justify?" In *Morality in the Modern World*, ed. Lawrence Habermehl. Encino: Dickenson, 1976. 46-53. Assesses the concept of "Just War" from the point of view of proper justification. As a pacifist, Wells finds "Just War" theory vexing and worthy of examination since it is virtually the only area of ethical speculation which defends "immoral acts under the extenuating circumstance of prudential risk." Finds little basis for justice in "Just War."

\_\_\_\_\_. *The War Myth*. New York: Pegasus, 1967. "Traces Western philosophical, theological, and institutional justifications of war from ancient times to the present day." War for Wells is not inevitable. Includes 252-entry topical bibliography (not annotated). Topics include: "The Definition of War," "The Just War," "The Inevitability of War," "Patriotism and the Military Spirit," "The Attack on the War System," "Conscientious Objection and Pacifism," "Humane and Inhumane War Practices," "Religion and War," "War is Unchristian," "Can Christians be Soldiers," "Psychological Causes of War," "Military Causes of War," "Economic Causes of War," "Disarmament and the Arms Race," "World Political Federation."

Zahn, Gordon Charles. *War, Conscience, and Dissent*. New York: Hawthorne Books, 1967. Explores the problem of "Just War" from a protestant point of view. Gives historical overview of the movement from just war theory to pacifism with a goal of answering the question: "How shall modern war be conducted justly?"

#### 6. *Nonviolence, Pacifism, and Conscientious Objection.*

Ballou, Adin. "Christian Non-Resistance." In *Nonviolence in America: A Documentary History* (1966), 31-39. Empirical study of nineteenth-century pacifistic arguments.

Benjamin, Martin. "Pacifism for Pragmatists," *Ethics*, 83, No. 3 (April 1973), 196-213. Benjamin attempts to argue that pacifism is not a "hopelessly soft-headed doctrine" but rather a realistic, hard-headed option, and that the abandonment of military, and especially nuclear, means of national defense represents a rational alternative.

Finn, James, ed. *A Conflict of Loyalties: The Case for Selective Conscientious Objection*. New York: Pegasus, 1968. A case study on the problem of distinguishing between selective and universal conscientious objection. See particularly Michael Harrington's "Politics, Morality, and Selective Dissent."

Gewirth, Alan. "Reasons and Conscience: The Claims of the Selective Conscientious Objector." In *Philosophy, Morality, and International Affairs*, ed. Virginia Held, Sidney Morgenbesser, and Thomas Nagel. New York: Oxford University Press, 1974. 89-117. In this "inquiry into the moral justification of the selective conscientious objector's claim" the author asserts that the moral justification of the selective conscientious objector is no less credible than the moral justification of the universal conscientious objector.

Hayes, Denis. *Challenges of Conscience: The Story of the Conscientious Objectors of 1939-1949*. London: George Allen & Unwin, 1949. See particularly Chapter 5 which discusses the British "success" with selective conscientious objection.

Lynd, Staughton, ed. *Nonviolence in America: A Documentary History*. Indianapolis: Bobbs-Merrill, 1966. A collection of thirty of the basic texts of non-aggression. Includes excerpts by abolitionists, anarchists, progressives, conscientious objectors, trade unionists, nonviolent revolutionaries, and civil rights actionists.

Malament, David. "Selective Conscientious Objection and the Gillette Decision." *Philosophy and Public Affairs*, 1, No. 4 (Summer 1972), 363-386. Offers utilitarian arguments that the Vietnam era system of deciding conscientious objector deferments is unconstitutional. The author challenges the Supreme Court decision on the Gillette case. Using this decision he discusses the difference between universal and selective conscientious objection, arguing that the former, not the latter, provides legitimate grounds for deferment. Also in *War and Moral Responsibility*, ed. Marshall Cohen.

Mayer, Peter, ed. *The Pacifist Conscience*. Chicago: Regnery, 1966. Essays and peace plans by most of the big names: Buddha, Lao-Tzu, Camus, King, Einstein, Freud, Tertullian, Fox, Thoreau, Tolstoy, and others. Excellent bibliography (625 titles) on war.

Murray, John Courtney. *Morality and Modern War*. New York: Council on Religion and International Affairs, 1959. Murray sets forth a four-fold Catholic moral theory: (1) All wars of aggression are proscribed, (2) a defensive war to repress injustice is moral, (3) conscientious objection to just war is not a valid claim, and (4) a state has a duty to wage war if its sovereignty is threatened.

Nagel, Thomas. "War and Massacre." In *War and Moral Responsibility*, ed. Marshall Cohen, Thomas Nagel, and Thomas Scanlon. Princeton: Princeton U. Press, 1974. 3-24. Nagel argues that "there is . . . a moral basis for the rules of war, even though the conventions now officially in force are far from giving it perfect expression." Discusses pacifism, "double effect," and "innocence" in war.

Narveson, Jan. "Pacifism: A Philosophical Analysis." *Ethics*, 75 (1965), 259-271. Narveson argues that the pacifist position is riddled with confusion. He holds that the pacifistic attitude is a matter of degree, a fact which can be better understood when considering the following questions: how much violence should not be resisted, and what degree of force is one not entitled to use in resisting, punishing, or preventing it? Also in *War and Morality*, ed. Richard A. Wasserstrom.

\_\_\_\_\_. "Pacifism: A Philosophical Analysis--A Rejoinder." *Ethics*, 78 (1964-65), 148. Counters a criticism on his 1965 essay in *Ethics*.

Peppers, Donald A. "War Crimes and Induction: A Case for Selective Non-Conscientious Objection." *Philosophy and Public Affairs*, 3, No. 2 (Winter 1974), 129-166. Peppers attempts to develop a practical and credible legal philosophy, based upon principles of international law, for dealing with the problem of military induction.

Potter, Ralph. "Conscientious Objection to Particular Wars." In *Religion and the Public Order*, ed. Donald A. Gianella, No. 4. Ithaca: Cornell University Press, 1968. See particularly pp. 92-95 for a valuable discussion of the distinctions between selective and universal conscientious objection.

Raven, Charles E. *War and the Christian*. New York: Garland, 1972. First published in 1938, Canon Raven's book outlines the "strengths and weaknesses of Protestant liberal pacifism." In a similar vein as *Anti-Polemus*.

Struckmeyer, Frederick R. "Just War and the Right of Self Defense." *Ethics*, 82, No. 1 (October 1971), 48-55. Although disposed to pacifism, Struckmeyer refuses to accept the thesis that there is no third position between the extremes of pacifism and jingoistic militarism. It is simply not the case, in his view, that one is either for war or against it. Also in *Morality in the Modern World*, ed. Lawrence Habermehl.

Visscher, Maurice B. "Modern Weapons, Peace, and the Humanistic Ethic." In *Morality in the Modern World*, ed. Lawrence Habermehl. Encino: Dickerson, 1976. 78-86. Granting that war is not obsolete, Visscher tries to point his readers toward such an Eldorado. Education and a broad-based humanistic ethic are the keys.

Walzer, Michael. *Obligations: Essays on Disobedience, War, and Citizenship*. Cambridge: Harvard U. Press, 1970. Walzer applies consent theory to an analysis and discussion of obligation and citizenship. As a result of his probings he suggests that when a democratic state goes to war, those who take no part in the decision do not have to fight.

Weinberg, Arthur and Lila Weinberg, ed. *Instead of Violence*. Boston: Beacon Press, 1963. A wide spectrum of essays from luminaries of the past on peace, non-violence, civil disobedience, and passive resistance: Russell, King, Fromm, Schweitzer, Buber, Einstein, Freud, Hesse, Twain, W. James, Darrow, Kant, Erasmus.

Whitman, M. J. "Is Pacifism Self-Contradictory?" *Ethics*, 76, No. 4 (July 1966), 307-308. The author is responding to Jan Narveson's "Pacifism: A Philosophical Analysis." Whitman argues that the pacifist position is not self-contradictory.

Zahn, Gordon Charles. *An Alternative to War*. New York: Council on Religion and International Affairs, 1963. Zahn's alternative is a by-product of John XXIII's statement, "individual human beings are and should be the foundation, the end and the subjects of all the institutions in which social life is carried on." Fitting this resolution to a state's defense organization, however, proves tricky at best.

7. *Nuclear Weapons: Special Implications on the Nature of War.*

Bennett, John C., ed. *Nuclear Weapons and the Conflict of Conscience*. New York: Charles Scribner's Sons, 1962. Essays by John Herz, David Inglis, Kenneth Thompson, John Bennett, Erich Fromm, Paul Ramsey, and Roger Shin offer varying, although sometimes repetitious, views of the moral implications of the use of nuclear weapons. Authors are agreed on the intolerable horror of nuclear warfare but offer little practical guidance. Strong Aristotelian ideas underly a discussion of just war theory in traditional terms.

Boserup, Anders and Andrew Mack. *War Without Weapons: Non-Violence in National Defense*. New York: Schocken, 1975. Argues for limited violence, not non-violent alternatives to nuclear war.

Brown, Noel J. "The Moral Problem of Modern Warfare: A Bibliography." In *Morality and Modern Warfare*, ed. William J. Nagle. Baltimore: Helicon Press, 1960. Excellent bibliography including 57 continental publications, 203 selections from periodical literature, and 160 books and pamphlets.

Buchan, Alastair. *War in Modern Society*. London: C. A. Watts, 1966. Bibliography, pp. 199-202. By "modern" Buchan means from the end of the civil war until the present time. Not a complete study of the moral issues of war but of the moral implications of nuclear weapons in international dialogue on war. Select bibliography (43 entries) on nuclear weapons and international relations, pp. 199-202. Topical areas include: "General," "Strategy," "Western Alliance," "Control of War and Arms."

Krickus, Richard J. "On the Morality of Chemical/Biological Warfare." *Journal of Conflict Resolution*, 9, No. 2 (June 1965), 200-210. Addresses the use of CB weapons in the nuclear age. Krickus' thesis is that the fear and taboo surrounding such weapons has forestalled intelligent examination of the moral ramifications of CB weapons. Also anthologized in *Morality in the Modern World*, ed. Lawrence Habermehl.

Lewy, Guenter. "Superior Orders, Nuclear Warfare, and the Dictates of Conscience." In *War and Morality*, ed. Richard A. Wasserstrom. Belmont: Wadsworth, 1970. 115-134. Thought-provoking analysis of the problem of conscience facing one charged with using nuclear weapons. Whereas in previous wars an individual could choose to follow the dictates of his conscience and not significantly affect the outcome of armed conflict, today's subordinate makes fateful choices for future as well as present humanity.

Nagle, William J., ed. *Morality and Modern Warfare*. Baltimore: Helicon Press, 1960. A symposium of Catholic writers including: J. K. Moriarity, William V. O'Brien, Thomas E. Murray, John R. Connery, John C. Ford, Gordon C. Zahn, and John Courtney Murray. The last chapter has an excellent 18-page (unannotated) bibliography on "The Moral Problem of Modern Warfare."

Palter, R. M. "The Ethics of Extermination." *Ethics*, 74, No. 3 (April 1964), 208-218. Using as a springboard John Ford's "The Morality of Obliteration Bombing," Palter discusses the pros and cons of the basic studies on the morality of warfare in a nuclear age. This good, short summary analyzes Paul Ramsey, G. E. M. Anscombe, Walter Stein, and John Bennett.

Stein, Walter, ed. *Nuclear Weapons: A Catholic Response*. New York: Sheed and Ward, 1961. Nuclear power represents an "ultimate evil." Hence no moral arguments could ever be proffered to justify its use in war. Essays by five Catholic professors agree on this common theme.

\_\_\_\_\_. *Nuclear Weapons and Christian Conscience*. London: Merlin, 1961.

Tucker, Robert W. *The Just War*. Baltimore: The Johns Hopkins Press, 1960. Given America's view of the "Just War" (fought in self defense, or in collective defense against armed aggression) Tucker questions whether nuclear warfare can ever be moral.

Woodward, Beverly. "Reason, Non-violence, and Global Legal Change." In *Philosophy, Morality, and International Affairs*, ed. Virginia Held, Sidney Morgenbesser, and Thomas Nagel. New York: Oxford University Press, 1974. 154-196. The author is concerned with the extent to which a rational look at global anarchy calls for a new approach to the rule of law. Of marginal use in the study of war and morality, the article provides a thorough discussion of "coercion."

#### 8. *Miscellaneous Considerations.*

Baier, Kurt. "Moral Obligation." *American Philosophical Quarterly*, 3, No. 3 (July 1966), 210.

Davis, Francis. "Peace and War: A Short Bibliography." *Blackfriars*, 30 (December 1949), 599ff. Short but important bibliography on the subject.

Edwards, Paul, ed. "Peace, War, and Philosophy." *The Encyclopedia of Philosophy*, 1967, 6, 63-67. Excellent historical overview of philosophic approaches to the consideration of war. Writers are treated as conservative (war is a permanent part of human existence) and abolitionist (war is not inevitable). Brief basic bibliography.

Euben, J. Peter. "Walzer's Obligations." *Philosophy and Public Affairs*, 1, No. 4 (Summer 1972), 438-459. Euben offers a studied critique of Walzer's notion of obligation, faulting Walzer for his selection of liberal consent theory as a means for explicating the concept.

Falk, Richard A., ed. *The Vietnam War and International Law*, 11. Princeton: Princeton U. Press, 1969. A broad spectrum of thirty-five previously printed articles offering a balanced view on the controversial nature of the war.

Falls, Cyril. *The Nature of Modern Warfare*. New York: Oxford University Press, 1941. Of the five sections (four of which were delivered at Oxford in the Winter of 1941) the ethicist will find the first lecture, "The Doctrine of Total War" most pertinent. The rest of the book contains dry articles on strategy and tactics.

Feinberg, Joel. *Doing and Deserving*. Princeton: Princeton University Press, 1970. Feinberg presents a series of essays in the theory of responsibility. Each essay deals with some aspect of the complex situation in which persons intentionally, negligently, or faultlessly cause harm or benefit to others and are said to deserve such responses from others as praise or blame, punishment, and legal pressure to make compensation.

Fred, M., M. Harris, and R. Murphy, ed. *War: The Anthropology of Armed Conflict and Aggression*. Garden City: The Natural History Press, 1968. A collection of essays dealing with the biological effects of war, war and disease, primitive and modern war, alternatives to war, war and recruitment for a war system, the psychological dimensions of war, and the effects of war on social structure.

Gray, Jesse Glenn. *On Understanding Violence Philosophically and Other Essays*. New York: Harper and Row, 1970. Commonsensical approach to the subject. Meditative if not scholarly. One handicap is a lack of application to practical problems.

Hart, H. L. A. "Legal and Moral Obligation." In *Essays in Moral Philosophy*, ed. A. I. Meldon. Seattle: U. of Washington Press, 1958.

Hondrich, Ted. "Democratic Violence." *Philosophy and Public Affairs*, 2, No. 2 (Winter 1973), 190-214. Hondrich attempts to arrive at a decision-procedure for the moral appraisal of violence by clarifying the relation between political violence and the practice and the rules of democracy.

Horowitz, Irving L. *War and Peace in Contemporary Social and Philosophical Theory*. Atlantic Highlands, N.J.: Humanities Press, 1957. The author attempts to present, interpret, and evaluate modern philosophers and their ideas on war and peace. He considers such diverse philosophers as Whitehead, Dewey, Russell, Einstein, Maritain, and Santayana among others.

Irmscher, William F., ed. *Man and Warfare*. Boston: Little, Brown, 1964. An anthology which presents a literary, journalistic, and philosophical smorgasbord offering a variety of tidbits concerned with man and the thoughts on warfare. Ruskin, W. James, Orwell, Machiavelli, G. B. Shaw, Jung, Toynbee, and others are represented in the selections.

Meldon, A. I., ed. *Essays in Moral Philosophy*. Seattle: U. of Washington Press, 1958. See particularly the lucid article by Brandt, "Blameworthiness and Obligations," pp. 82-107.

Rawls, John. *A Theory of Justice*. Cambridge: Harvard U. Press, 1971.

Rawls' brilliant effort to generate a systematic account of justice which offers a genuine alternative to dominant utilitarian developments of the concept.

Shaffer, Jerome A., ed. *Violence*. Award-Winning Essays in the Council for Philosophical Studies Competition. McKay, 1971. Four essays discussing violence as distinguished from coercion, force, and war. Man must decide from an ethical perspective when violence must be resisted and when violence is justified.

Tucker, Robert W. "Peace and War." *World Politics*, 17 (1965), 310-333. An assessment of the strengths and weaknesses of Raymond Aron's work, *Paix et Guerre entre les nations* (1962).

U.S. Department of the Army. *The Law of Land Warfare*. Field Manual 27-10. Washington, D.C.: U.S. Government Printing Office, 1956. See particularly p. 4 concerning applicability of rules even in the face of "military necessity."

Walzer, Michael. "Political Action: The Problem of Dirty Hands." In *War and Moral Responsibility*, ed. Marshall Cohen, Thomas Nagel, and Thomas Scanlon. Princeton: Princeton U. Press, 1974. 62-82. Recognizing that the dilemma of "dirty hands" is not unique to the political arena, Walzer uses the "conventional wisdom to the effect that politicians are a good deal worse, morally worse, than the rest of us" to elaborate on the reality of private moral lives.

Wasserstrom, Richard, ed. *War and Morality*. Belmont: Wadsworth, 1970. One of "The Basic Problems in Philosophy Series," this collection of essays includes many of the heavyweights: William James, John Ford, G. E. M. Anscombe, M. Walzer, J. Narveson, R. Wasserstrom, and G. Lewy. Wasserstrom also provides a selected bibliography, pp. 135-136.

Wright, Quincy. *A Study of War*. Chicago. U. of Chicago Press, 1942. A most complete study of all aspects of war. Very little of concern to the ethicist, however, causes of war and war's relationship to international law are of interest.

#### 9. *Strategy and Morality.*

Allen, J. L. "The Relation of Strategy and Morality." *Ethics*, 73, No. 3 (April 1963), 167-178. A very sensible approach to the relationship between strategy and morality. The author disagrees with absolutist positions of Batchelder and Ramsey in finding no inherent conflict between the goals of the strategist and the moralist. He argues that morality must not be a veneer tacked over strategy but must be embedded in the nature of strategy itself.



Batchelder, Robert C. *The Irreversible Decision, 1939-1950*. Boston: Houghton Mifflin, 1962. Argues, like Ramsey (see bibliography), that there are concrete principles in warfare that act as absolutes ruling out certain acts regardless of the utilitarian nature of the desirable consequences.

Clausewitz, Karl von. *On War*. Ed. F. N. Maude. Trans. J. J. Graham. Rev. New York: Barnes and Noble, 1961. The first great study of warfare to include emphasis on "moral forces in war." See particularly Chap. 2, Sec. 17. Difficult reading, incomplete, but essential for a thorough study of war and morality.

Cohen, Marshall, Thomas Nagel, and Thomas Scanlon, ed. *War and Moral Responsibility*. Princeton: Princeton University Press, 1974. A collection of provocative essays which examine ethical and legal restrictions on military means and ends as well as specific cases from World War II and the Vietnam War.

Falk, Richard A. *Law, Morality, and War in the Contemporary World*. New York: Frederick A. Praeger, 1963. Views on "nuclear morality" from a noted scholar of jurisprudence. With a strong predilection for logical positivism, Falk tries to relate morality to military and political strategy.

Kriete, Chaplain (COL) Charles F. "The Moral Dimension of Strategy." *Parameters*, VII, No. 2 (1977), 65-76. More questions than answers. Argues that future U.S. military strategy must be consistent with both political purpose and American moral values.

Michener, James A. *The Quality of Life*. Greenwich: Fawcett, 1970. See particularly the last chapter, "What We Must Do." Michener cites Vietnam as a war which lost its moral justification due to arbitrary draft laws, favoritism of businesses making war goods, and the reluctance of Congress to call the war a war.

Potter, Ralph. *War and Moral Discourse*. Richmond: John Knox Press, 1973. Invites dialogue and moral reflection on the limits of justifiable and illegitimate uses of force in international relations. Informative biographical essay, pp. 87-123.

Ramsey, Paul. "Ethics of Intervention." *Review of Politics*, 27 (1965), 287-310. Neither for nor against "interventionary political and military action," Ramsey seeks to clarify the ethical grounds for making the decisions. He feels the churches have become too legalistic in arguing positions on particular policy decisions.

Toner, James H. "Sisyphus As a Soldier: Ethics, Exigencies, and the American Military." *Parameters*, 7, No. 4 (1977), 2-12. Seminal study on the apparent conflicts between liberties and duties, and rights and obligations, for both the individual soldier and the American nation.

Walzer, Michael. "Moral Judgment in Time of War." In *War and Morality*, ed. Richard A. Wasserstrom. Belmont: Wadsworth, 1970. 54-62. Argues against the view that "once war begins, there are no moral limits, only practical ones." A rule-utilitarian, Walzer protests that "there come moments when the sheer criminality of the means adopted by one side or another overwhelms and annuls all righteous intentions."

\_\_\_\_\_. "World War II: Why Was This War Different?" In *War and Moral Responsibility*, ed. Marshall Cohen, Thomas Nagel, and Thomas Scanlon. Princeton: Princeton U. Press, 1974. 85-103. While emphasizing the necessity of moral rules (stated in absolute terms) in war, Walzer suggests that WWII is different because a "wager against the rules might be morally required."

#### 10. *War Crimes.*

Browning, Frank and Dorothy Forman, ed. *The Wasted Nations: Report of the International Commission of Enquiry into United States Crimes in Indochina*. New York: Harper Colophon Books, 1972. In this collection of articles see particularly Hans Goran Franck, "International War in Indochina."

Calvocoressi, P. *Nuremberg: The Facts, the Law, and the Consequences*. New York: Macmillan, 1948. Calvocoressi, a member of the British prosecution at Nuremberg, explains the trial from the three standpoints promised. A faithful and important book marred only by partisanship.

Citizens Commission of Inquiry. *The Dellums Committee Hearings on War Crimes in Vietnam*. New York: Vintage Books, 1972. Report of unauthorized Congressional Committee presided over by Rep. R. V. Dellums of California. Contains several testimonies documenting racism and atrocities by American troops in Vietnam.

D'Amato, Anthony A., Harvey L. Gould, and Larry D. Woods. "War Crimes and Vietnam: The 'Nuremberg Defense' and the Military Service Register." *California Law Review*, 57, No. 5 (November 1969), 1055-1110. Helpful tables on results of the Nuremberg Tribunal.

Falk, Richard A. "Ecocide, Genocide, and the Nuremberg Tradition of Individual Responsibility." In *Philosophy, Morality, and International Affairs*, ed. Virginia Held, Sidney Morgenbesser, and Thomas Nagel. New York: Oxford University Press, 1974. 123-137. The author develops two models ("The Indictment Model" and "The Responsibility Model") to elucidate the debate on genocide--specifically the question of whether or not America committed genocide in Vietnam. His concern for an "Ecocide Convention" is not clear.

Goldberg, Sydney L. "Crimes Against Humanity: 1945-1970." *Western Ontario Law Review*, 10 (1971), 1-55.

Hammer, Richard. *One Morning in the War--The Tragedy at Son My*. New York: Coward-McCann, 1970. Concerned with investigating the alleged atrocity at Son My (March 16, 1968), Hammer spends much time probing the powerful psychological forces working to transform young soldiers into indiscriminate haters of all Vietnamese.

Held, Virginia, Sidney Morgenbesser, and Thomas Nagel, ed. *Philosophy, Morality, and International Affairs*. New York: Oxford University Press, 1974. Part I contains four fine essays on "War and Its Crimes." Part II, "Civilizing the Nation-State," and Part III, "Toward Conceptual Order," are of marginal use, but the essay by Joseph Margolis deserves to be studied.

Hersh, Seymour. *My Lai Four--A Report on the Massacre and Its Aftermath*. New York: Random House, 1970. Based mostly on interviews of men in C Company, 16 March 1968, this account is well written and well documented. Probes the facts, situation, coverup, and uncovering of the My Lai massacre. As Hersch says: "The people didn't know what they were dying for and the guys didn't know why they were shooting them."

Knoll, Erwin and Judith Nies McFadden, ed. *War Crimes and the American Conscience*. New York: Holt, Rinehart and Winston, 1970. Edited transcript of Congressional conference on war and national responsibility. Conference was held with a panel of jurists, scholars, and public figures. Consensus view of conference is that attempts to punish a few individuals cloud the larger issue of collective guilt for an unjust war.

Levinson, Sanford. "Responsibility for Crimes of War." In *War and Moral Responsibility*, ed. Marshall Cohen, Thomas Nagel, and Thomas Scanlon. Princeton: Princeton U. Press, 1974. 104-133. Through analysis of WWII analogues, Levinson suggests high-ranking government officials during Vietnam conflict should be called to account for their deeds as they relate to possible war crimes.

Menzel, Paul T., ed. *Moral Argument and the War in Vietnam: A Collection of Essays*. Nashville: Aurora, 1971. Essays on the Vietnam war are collected into four sections: "A Just War," "Genocide," "Solutions," and "Can Ethics, Ideology, and History Meet?" Menzel peoples his arena with notables on both ends of the ideological spectrum: Richard Nixon, Noam Chomsky, Henry Kissinger, Mary McCarthy.

Opton and Duckles. *My Lai: It Never Happened and Besides, They Deserved It*. Berkeley: Wright Institute, 1970.

Russell, Bertrand. *War Crimes in Vietnam*. London: Allen & Unwin, 1967. Twelve speeches and articles pursuing two major themes: U.S. is committing atrocities in Vietnam and is "out to create the first global empire."

Sahlins, Marshall. "The Destruction of Conscience in Vietnam." *Dissent*, 13, No. 1 (January-February 1966), 36-62. Journalistic and anecdotal, concerning a visit to the Vietnam Delta district of An Phu. A critic of the war, Sahlins devotes most of his article to the subject of torture of POW's--torture to which the advisory system forces America to be a party.

Sartre, Jean-Paul. *On Genocide*. Boston: Beacon, 1968. Stemming from Russell's war crimes tribunal held in 1967, Sartre's essay finds the U.S. guilty of genocide in Vietnam.

Schwelb, Egon. "Crimes Against Humanity." *British Yearbook of International Law*, 23 (1946), 178-226.

Taylor, Telford. *Nuremberg and Vietnam: An American Tragedy*. New York: Quadrangle, 1970. Taylor, a brigadier general who served as Chief U.S. Counsel at the Nuremberg Trials, investigates the U.S. involvement in Vietnam in the light of the judgments levied at Nuremberg. His findings indict the U.S. for war crimes, but he offers no help in deciding what to do with such knowledge.

Tiede, T. *Calley: Soldier or Killer*. Pinnacle Books, 1971.

Vietnam Veterans Against the War. *The Winter Soldier Investigation: An Inquiry into American War Crimes*. Boston: Beacon Press, 1972. Testimony excerpts from witnesses testifying at 1971 hearings in Detroit. Charges of atrocities and moral depravity by American forces.

Wasserstrom, Richard. "The Responsibility of the Individual for War Crimes." In *Philosophy, Morality, and International Affairs*, ed. Virginia Held, Sidney Morgenbesser, and Thomas Nagel. New York: Oxford University Press, 1974. 47-70. The author suggests the need for different criteria in assessing moral culpability for ordering actions later judged as war crimes. He argues that intent should be supplanted by reasonably expected knowledge. If the leader "ought to have known" that such an action constituted a war crime, he is culpable.

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